

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

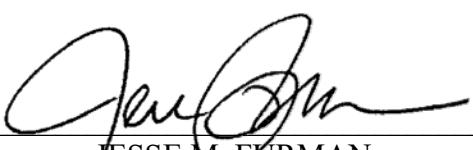
	-----X
	:
JUNIOR SMELLIE,	:
	:
Plaintiff,	:
	:
-v-	:
	:
McFEN GROUP, INC.,	:
	:
Defendant.	:
	:
	:
	-----X

JESSE M. FURMAN, United States District Judge:

On May 9, 2025, Defendant's counsel, who had not appeared in this case, sent an email to the Court attaching a purported Answer to Plaintiff's Complaint. The Court's staff responded by email informing Defendant's counsel that the Court's rules prohibit substantive submissions by email and directing him to notice an appearance in the case and file the Answer on the docket. Defendant's counsel failed to do either. On June 16, 2025, on the eve of the default judgment hearing held earlier today, Defendant's counsel sent another email to the Court, attaching an affirmation in opposition to the motion for default judgment. The Court's staff responded by informing him yet again that substantive submissions could not be made by email and giving him notice of the default judgment hearing that was held earlier today. Thereafter, the Court confirmed that Defendant's counsel is not admitted to the Bar of this Court. Despite the Court's instructions, Defendant's counsel did not appear at the default judgment hearing this morning, during which the Court, on the record, granted Plaintiff's motion. Defendant's email of June 16, 2025, and the attachment to that email (which includes the May 9, 2025 email from the Court's staff), and the Court's staff's response are attached to this Order as exhibits.

SO ORDERED.

Dated: June 17, 2025
New York, New York



JESSE M. FURMAN
United States District Judge

From: [Furman NYSD Chambers](#)
To: [Paul Walters](#)
Cc: abdul@abdulhassan.com; legal@abdulhassan.com
Subject: RE: 24Civ 08233 (JMF)
Date: Monday, June 16, 2025 4:24:00 PM

Dear Counsel,

As stated in the Court's May 9, 2025 response to your previous email, the Court's rules prohibit substantive submissions by email. To file these materials, please enter a notice of appearance and file on ECF. The phone number for the ECF Help Desk is (212) 805-0800. As you may know, a hearing is scheduled in this case tomorrow, June 17, 2025, at 11:00 a.m. If you intend to appear in this case and attend that conference, please respond to this email to inform the Court of the phone number you will be calling from. To join the conference, call the Court's dedicated conference line at (855) 244-8681 and use access code 2303 019 3884, followed by the pound (#) key. When prompted for an attendee ID number, press the pound (#) key again.

Thank you,



Chambers of the Hon. Jesse M. Furman

United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007
Email: Furman_NYSDChambers@nysd.uscourts.gov
Office: 212-805-0282

From: Paul Walters <paulawalters@optimum.net>
Sent: Monday, June 16, 2025 4:05 PM
To: Furman NYSD Chambers <Furman_NYSDChambers@nysd.uscourts.gov>
Cc: abdul@abdulhassan.com; legal@abdulhassan.com
Subject: Re: 24Civ 08233 (JMF)

CAUTION - EXTERNAL:

6/16/25

Good day Sir &/ or Madam;

Re: 24 Civ. 08233 (JMF)

Junior Smellie v. McFen Group, Inc.

I have attached an Afformation in Opposition to Motion regarding the referenced matter along with an Answer and Notice of Appearance previoult filed with correspondence exchanged via email.

I attempted to file on PACER.

Thanking you in advance for any and all courtesies extended.

Respectfully yours,

Paul A. Walters, Esq.

Attorney-at-law

3400 Tiemann Avenue

Bronx, New York 10469

Tel. No.: (718)-231-1043/Fax No.: (718)-882-5950

Email: paulawalters@optimum.net

WARNING: FRAUD ALERT Hackers are targeting e-mails of attorneys in attempt to initiate fraudulent wire requests. If you receive any e-mail request purporting to come from this office regarding wire instructions, **DO NOT INITIATE THE WIRE TRANSFER**. Instead, call this office immediately, using previously known contact information, to verify the wire instructions prior to sending funds.

NO WIRES PLEASE

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUNIOR SMELLIE

INDEX NO.: 24 Civ.08233 (JMF)

Petitioner

-against-

McFEN GROUP, INC.

Respondent

AFFIRMATION IN OPPOSITION
TO MOTION

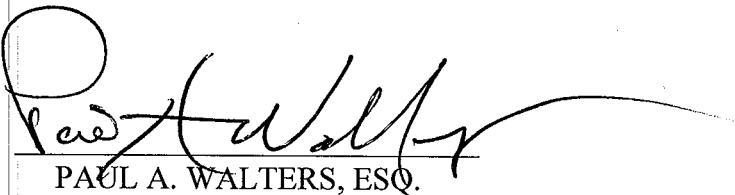
I, PAUL A. WALTERS, ESQ. the undersigned affirms the following is true under the penalty of perjury pursuant to CPLR § 2106.

1. I am an Attorney at law duly licensed to practice in the State of New York and am familiar with these proceedings.
2. I make this Affirmation in response to Petitioner's request for a Default Judgment against my client.
3. On or about November 2024 my client retained me to represent him in this matter.
4. I prepared an Answer to the action on or about November 30th 2024 and sent a copy via mail to Petitioner's Attorney. (See copy of Answer attached.).
5. However, when I attempted to upload the answer on NYSCEF I realized it was a Federal case.
6. I tried to file the Answer on the appropriate Federal site but due to the fact that I was not registered to file Federal Bar and I was unable to do so.
7. I did reach out to the Petitioner's Attorney who was very helpful but I still could not navigate the public Access to Court Electronic Records (PACER).
8. I did provide discovery to the Petitioner's Attorney and we did attempt to set a mediation on this matter.

9. My client strongly denies the allegations in the Complaint and wishes to be heard on this matter.
10. Based on the foregoing I request that the instant motion be denied.
11. I am personally familiar with all the foregoing facts so I have not attached an Affidavit from my client.

WHEREFORE the undersigned respectfully requests this Court deny the instant motion for dismissal and grant such other and further relief as may be just and proper.

Dated: June 16 2025
Bronx, New York



PAUL A. WALTERS, ESQ.

TO: Abdul K. Hassan, Esq.
Abdul Hassan Law Group, PLLC.
Attorney for the Petitioner
215-28 Hillside Avenue
Queens Village, NY 11427
Tel. No.: (718)-740-1000
Email: abdul@abdulhassan.com

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JUNIOR SMELLIE

Plaintiff

X

INDEX NO.: 24-CV-08233

-against-

VERIFIED ANSWER

McFEN GROUP INC.

Defendant

X

COUNTY OF BRONX)
)SS
STATE OF NEW YORK)

SIR/MADAM

PLEASE TAKE NOTICE that the Defendant, McFEN ROUP INC. hereby appears by their Attorney, Paul A. Walters, Esq. in this proceeding.

TAKE FURTHER NOTICE that the Defendants hereby interposes the following answer to the Petition herein:

1. The Defendant admits allegations in paragraphs 8, 9, 10, 12, 14, 15, 16 & 29, in the Verified Complaint;
2. The Defendant denies allegations in paragraphs 1,2, 13, 17, 32, 39, 41, 42, 43, 44, 45, 59 & 60 in the Verified Complaint;
3. The Defendant has no information to confirm or deny allegations paragraph 1.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

4. The Petition hereunder was not served pursuant to CPLR and this Court has no jurisdiction over the Defendant.
5. Defendant denies requiring Plaintiff to work overtime without compensation.

6. Plaintiff never worked more than 5-6 hours on any given shift.

WHEREFORE the Defendant requests this Court to dismiss the instant action and that the Defendant be entitled to such and other relief as this Court deems just and proper

Dated: December 7 2024



PAUL A. WALTERS, ESQ.

Attorney at law
3400 Tiemann Avenue
Bronx, New York 10469
Tel: (718)-231-1043

TO: Abdul Hassan Law Group, PLLC
Abdul K. Hassan, Esq.
Attorney for the Plaintiff
215-28 Hillside Avenue, Queens Village, NY 11427
Tel. No.: 718-740-1000/Email: aabdul@abdulhassan.com

VERIFICATION

I am the Defendant in the within partition action. I have read the foregoing **verified answer** and know the contents thereof. The contents are true to my own knowledge⁶ except as to matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

Sworn and subscribed to before me
on this ~~25~~ day of November

Notary Public

PAUL A. WALTERS
Notary Public, State of New York
Reg. No. 02WA4979145
Qualified in Bronx County
Commission expires March 18th 2027

MCFEN GROUP INC

by MICHAEL McDONALD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUNIOR SMELLIE

Petitioner

-against-

McFEN GROUP, INC.

Respondent

X INDEX NO.: 24-CV-08233-JMF

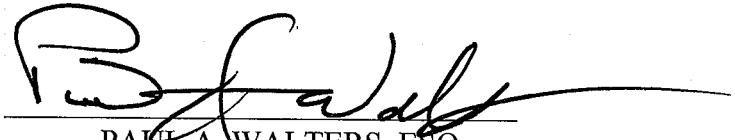
NOTICE OF APPEARANCE

PLEASE TAKE NOTICE:

I have been retained by the Respondent in the above-entitled action. All further pleadings, notices, papers, and communication regarding this action are to be served upon or addressed to undersigned attorney at the address indicated below.

Dated: May 12th 2025

By:



PAUL A. WALTERS, ESQ.
3400 Tiemann Avenue
Bronx, New York 10469
(718) 231-1043

From: Paul Walters <paulawalters@optimum.net>
To: abdul@abdulhassan.com
Date: Jan 9, 2025 12:54:41 PM
Subject: Smellie-V-McFen Group
Attachments: Scan_2025_01_09_11_42_37_671.pdf

Dear Mr. Hassan,

I am an attorney retained by McFen Group in regard to the referenced matter. I have enclosed an answer to the action. I was not able to upload it to NYCEF and now realize this matter was commenced in Federal court. As a courtesy please indicate the portal that will allow my client to file his response.

Thank you for your anticipated cooperation in this matter.

Paul A. Walters, ESQ.

From: Furman NYSD Chambers <Furman_NYSDChambers@nysd.uscourts.gov>
To: Paul Walters <paulawalters@optimum.net>
CC: legal@abdulhassan.com <legal@abdulhassan.com>
Date: May 9, 2025, 4:50:07 PM
Subject: RE: Fwd: Re: Re: Activity in Case 1:24-cv-08233-JMF Smellie v. McFen Group, Inc. Memo Endorsement

Dear Counsel,

The Court's rules prohibit substantive submissions by email. Per Judge Furman's endorsement of April 15, 2025, you must enter a notice of appearance and file this on ECF.

Thank you,



Chambers of the Hon. Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007
Email: Furman_NYSDChambers@nysd.uscourts.gov
Office: 212-805-0282

From: Paul Walters <paulawalters@optimum.net>
Sent: Friday, May 9, 2025 3:55 PM
To: Furman NYSD Chambers <Furman_NYSDChambers@nysd.uscourts.gov>
Cc: legal@abdulhassan.com
Subject: Fwd: Fwd: Re: Re: Activity in Case 1:24-cv-08233-JMF Smellie v. McFen Group, Inc. Memo Endorsement

CAUTION - EXTERNAL:

5/9/25

Good day Sir &/or Madam;

Re: 24-CV-08233
Smellie v. McFen Group, Inc.

I am an Attorney for the referenced Defendant.
Attached is Verified Answer previously filed to an incorrect destination.
Attorney Hassan's office advised that I file same at this email destination.

Respectfully yours,

Kamala- Paralegal

Paul A. Walters, Esq.

Attorney-at-law